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March 20, 2013

**BY ECF AND FACSIMILE**

Honorable Madeline Cox Arleo, U.S.M.J.  
United States District Court  
Martin Luther King, Jr. Federal  
Building and Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

**Re: Novartis Pharmaceuticals Corporation v.  
Actavis, LLC, et al.  
Civil Action No. 13 CV 1028 (SDW) (MCA)**

Dear Judge Arleo:

This firm represents Defendant Hospira, Inc. in the above-referenced matter. At the February 26, 2013 hearing, Hospira agreed to provide thirty (30) days' notice before launching any zoledronic acid product launch. Hospira agreed to give this notice for the sole purpose of avoiding expedited discovery or litigation regarding Novartis's motion for temporary restraining order and preliminary injunction. Now that Novartis has withdrawn its motion for a preliminary injunction and filed an Amended Complaint to reflect this, there is no continuing reason for Hospira to provide any advanced notice.

On Friday, March 15, 2013, Hospira alerted Novartis's counsel that, given Novartis's decision to abandon preliminary injunctive relief, Hospira did not believe it was still required to provide advanced notice regarding the launch of any zoledronic acid product (a copy of that correspondence is attached). And, at that time, Hospira requested that Novartis notify it by Monday if Novartis had any objection or alternate understanding. Novartis did not raise any objection.

Accordingly, this letter serves as public notice that Hospira intends to proceed with product launch as it may choose in its sole discretion without any further notice to Novartis.

Respectfully submitted,

*s/ James S. Richter*

James S. Richter

cc: All Counsel (w/encls.) (by e-mail)

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March 15, 2013

**VIA EMAIL**

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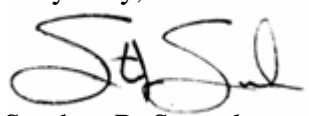
**Re: Hospira/Zoledronic**

Dear Bob:

At the hearing on February 26, 2013, Hospira agreed to provide thirty (30) days notice before launching any zoledronic acid product. Hospira agreed to give this notice for the sole purpose of avoiding expedited discovery or litigation regarding Novartis's motion for temporary restraining order and preliminary injunction. Now that Novartis has represented that it will withdraw its motion for a preliminary injunction and intends to file an Amended Complaint to reflect this, there is no continuing reason for Hospira to provide any advanced notice. Accordingly, Hospira intends to proceed with product launch as it may chose in its sole discretion without any further notice to Novartis.

Please let me know by close of business Monday, March 18, 2013 if Novartis has any objection and the basis for such objection. Unless we hear otherwise from Novartis, we will alert Magistrate Judge Arleo on Tuesday that the parties agree that Hospira has no continuing obligation to give advance notice.

Very truly,



Stephen R. Smerek

SRS:an  
LA:329779.1

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